City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Number:	2205053
Applicant Name:	Ann Farr for Trident Seafoods Corporation
Address of Proposal:	653 NW 41st Street

SUMMARY OF PROPOSED ACTION

Mater Use Permit for the replacement of a bulkhead three (3) to eighteen (18) inches waterward of the existing bulkhead on the north side of the Lake Washington Ship Canal, northwest of Lake Union. The new bulkhead will be made of sheet pile and will be placed as close as possible to the existing bulkhead which runs along the two hundred twenty four (224) feet of shoreline. Additionally, the concrete area on the adjacent shoreland will be repaired.

The following approvals are required:

Shoreline Substantial Development Permit: For development in the shoreline environment. (Section 23.60.020 Seattle Municipal Code)

Shoreline Conditional Use Permit: To allow the repair of a bulkhead in the Conservancy Navigation (CN) Shoreline Environment. (Section 23.60.034 and 23.60.244 Seattle Municipal Code)

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site Location and Description

The proposal site is located at 653 NW 41st Street on the north side of the Lake Washington Ship Canal northwest of Lake Union. The current bulkhead is located along the shore in the Urban Industrial shoreline environment. The property is used for mooring and loading fishing vessels.

Zoning

General Industrial 2 (IG2 U/65) with the Urban Industrial and Conservancy Navigation (UI/CN) Shoreline Master Program designations. The UI designation is for the dry-land portion of the site and the CN designation is for the submerged land portion of the site.

Area Development

North: Industrial General 2 U/65 zone
East: Industrial General 2 U/65 zone
South: Industrial General 2 U/65 zone; Urban Industrial and Conservancy Navigation shoreline designation
West: Industrial General 1 U/65 zone and Urban Industrial and Conservancy Navigation shoreline designation;

The Lake Washington Ship Canal is south and west of the property.

Proposal Description

The applicant proposes to repair the existing bulkhead by driving two hundred twenty four (224) feet of "Z-sheet" pile immediately in front of, and as close as feasible to, the existing bulkhead. After placement of the steel sheet piles, the existing bullrail will be removed and up to one hundred ten (110) cubic yards of select fill may be placed and compacted behind the sheet pile to fill the space between the old bulkhead and the new sheet pile bulkhead. A new eight (8) inch concrete slab will be poured immediately behind and adjacent to the bulkhead and will serve as a horizontal tie-back structural support for the bulkhead as well as provide a repair to the subsided yard areas behind the bull rail.

Currently the upland area is damaged due to the earthquake that occurred in February of 2001 and due to normal deterioration. This area will be restored to its original grade, matching the surrounding yard area. Additionally, a twenty (20) by forty (40) foot area where severe subsidence has occurred will be repaired by driving six (6), twelve (12) inch steel piles, which will serve as additional support for the concrete yard slab. The existing bull rail will be replaced with a steel rail.

With the exception of the small amount of fill (110 cubic yards) needed to stabilize the space between the old, and replacement bulkhead, no additional fill is proposed as part of this project. The yard will be regraded using on-site materials prior to placement of the concrete slab. The total upland area to be repaired is four thousand one hundred (4100) square feet and no dredging is proposed.

Additionally, Trident proposes to enhance a portion of shoreline that is northeast of the bulkhead, remove two (2) floating docks, and remove concrete rubble and slabs from the waterway. The shoreline area to be enhanced is approximately six hundred (600) square feet (or 0.014 acres) along approximately 45 feet of shoreline. Invasive vegetation will be removed from the property manually, the land will be graded, and approximately twenty five (25) cubic yards of topsoil will be added to facilitate the establishment of new plants. Approximately fifteen (15) willows and ten to twelve (10 to 12) nootka rose will be planted in this area.

The two docks to be removed are approximately five (5) by fifty (50) feet in size and are located northeast of the bulkhead and the concrete rubble and slabs are located in the waterway north and northeast of the bulkhead. This concrete rubble and slabs will be removed using an excavator from the upland area.

Public Comment

No comments were received during the comment period that ended on April 11, 2003.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

A. The policies and procedures of Chapter 90.58 RCW

B. The regulations of Chapter 23.60; and

C. The provisions of Chapter 173-27 WAC

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. The Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy aims to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a

local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. The Regulations of Chapter 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program". In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60.004, meets the development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

The site is classified as a waterfront lot (SMC 23.60.924). The shoreline designations for the site are Conservancy Navigation (CN) for the portion of the site that is submerged and Urban Industrial (UI) for the dry-land portion of the site (SMC 23.60.246 and 840). Bulkheads are permitted as a conditional use in the Conservancy Navigation Zone and are permitted outright in the Urban Industrial Zone.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The purpose of the CN and UI environments are stated in SMC 23.60.220.C 1 and C 11, respectively. The applicable sections of these regulations to the current proposal are: in the Conservancy Navigation Environment, to preserve open water for navigation and in the Urban Industrial Environment to encourage economically viable water-dependent uses to meet the needs of waterborne commerce.

SMC 23.60.064.- Procedures for Obtaining Shoreline Substantial Development Permits

The proposed project is a conditional use in the CN environment and a permitted use in both the UI (SMC 23.60.240 and 840) and the underlying General Industrial 2 (IG2 U/45) zoning district (SMC 23.50). As designed, the proposal conforms to the general development standards and the requirements of the underlying General Industrial 2 zone and UI shoreline overlay zones. An evaluation of the criteria by which the project conforms to a conditional use in the CN environment is found in the Analysis of Conditional Use section of this decision.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environment. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses must in part:

1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected;
2) control erosion during project construction and operation;
3) be located, designed, constructed, and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas, including but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes;
4) be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion;
5) be designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area;
6) be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization landfills, levees, dikes, groins, jetties, or substantial site regrades.

The proposed repaving and repair work in the dry-land portion of the site with the mitigation provided is consistent with these general standards for development within the shoreline area, thereby minimizing any adverse impact to the shoreline environment, to water quality, to the natural shoreline processes, and the surrounding land and water uses.

SMC 23.60.390 and SMC 23.60.540 - Development Standards for the CN and UI Environments

The development standard for the CN and UI environments pertinent to this proposal concerns a bulkhead in the CN environment.

Bulkheads in the CN environment require a shoreline conditional use approval. Bulkheads that are necessary to prevent extraordinary erosion where natural beach protection is not feasible are allowed by conditional use approval. This approval is evaluated in the Analysis – Shoreline Conditional Use section of this decision.

Development standards specific to water-related uses on waterfront lots in the UI Environment reads:

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

No design constraints are required for this project to meet the relevant development standards for the UI portion of this site.

Impacts on the fish habitat and the aquatic environment will be mitigated through a number of proposed measures. Two, five (5) by fifty (50) foot floating docks will be removed from the northern portion of the site, this will open up portions of the shallow water habitat for chinook salmon. Concrete rubble and other debris will be removed from the shallow water area at the northern portion of the site, which will also improve the aquatic habitat for chinook salmon. Approximately six hundred (600) square feet of the terrestrial portion of the site will be restored to a more natural condition by removing non-native invasive plant species and by replanting the area with native vegetation. This will increase the allochthonous input to the ship canal because a portion of the revegetated area will be adjacent to the shoreline at the northern portion of the site. This area of the Lake Washington Ship Canal is utilized by migrating juvenile chinook salmon. Impacts to the shoreline will be mitigated through measures discussed above. A vegetation monitoring plan is required and needs to be prepared and submitted before a building permit is issued. The purpose of the vegetation monitoring plan is to ensure eighty (80) percent survival of the terrestrial vegetation after a period of five years from the time the vegetation is planted.

C. The Provisions of Chapter 173-27 WAC

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). Since the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58. As discussed in the foregoing analysis, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

ANALYSIS - SHORELINE CONDITIONAL USE

Section 23.60.034 of the Seattle Municipal Code provides criteria for review of a shoreline conditional use and reads: *Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.*

WAC 173-27-160 explains the purpose of a conditional use permit and provides a system within the City's master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and local master program. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates that it meets the criteria set forth in WAC 173-27-160. Below is the evaluation of these criteria in relation to the proposed project.

1) **The proposed use is consistent with the policies of RCW 90.58.020 and the master program**. RCW 90.58.020 states in part, that in the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. This shoreline was altered before the enactment of the Shoreline Management Act, therefore was not originally reviewed for its impacts on the shoreline environment. The bulkhead repair proposed is essential for the continuation of a water dependent use of the shoreline. Additionally as part of the project a portion of the northwest shoreline will be restored with native vegetation and two floating docks will be removed. Additionally, rubble and other debris in the shoreline will be removed and the nearshore area will be kept clear of booms or other material that is stored at the site.

2) **The proposed use will not interfere with normal public use of the public shorelines**. No changes in use are proposed. There will be no interference in public use and enjoyment of the shorelines of the area, and no changes to views or access to the water.

3) **The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned in the area under the comprehensive plan and shoreline master program**. No changes in use are proposed. The proposal is a maintenance project necessary to allow for the continued use of the site as a fishing vessel loading and moorage facility, which is a water dependent use. Use of the site as a fishing vessel loading and moorage facility is consistent with the zoning classification (General Industrial 2 IG2/U45) and with the SSMP Urban Industrial environment, whose purpose is to provide for efficient use of industrial shorelines by cargo facilities and other water dependent and water related uses. The use and proposed maintenance project are also consistent with the Conservancy Navigation (CN)

environment, whose purpose is to preserve open water for navigation. The minor impingement of the replacement bulkhead within the CN environment will have no effect on the use of adjacent open water for navigation and is compatible with planned uses. The proposal has no effect on adjacent uses of the shoreline or uses planned within the area.

4) **The proposed use will cause no significant adverse effects to the shoreline environment in which it is located**. The proposed design has been chosen to provide the needed repair with minimal environmental disruption and/or potential for adverse impacts to water quality or aquatic habitat. The placement of steel sheet pile as close as possible to the existing failing bulkhead will provide support to the existing yard, and prevent further deterioration and/or the eventual collapse of the bulkhead while avoiding any dredging or shoreline excavation that would be required in order to install a new bulkhead and tieback system. Demolishing the existing bulkhead and then replacing it with a new structure in exactly the same location would create a greater potential for a complete collapse of the existing structure and release of the contained fill into the waterway. The replacement bulkhead will be placed as close as possible to the existing bulkhead in order to minimize aquatic and shoreline impacts. The proposal includes the enhancement of an adjacent shoreline area intended to improve riparian conditions and the removal of two floats and debris and rubble along the shoreline. These measures will improve the aquatic habitat at this site for juvenile salmonids.

5) **The public interest suffers no substantial detrimental effect.** The proposal is for maintenance of an existing water dependent shoreline facility. No changes in existing uses or activities are proposed, and there will be no detrimental effect to the public interest.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development and the Shoreline Conditional Use are **CONDITIONALLY GRANTED**. Conditions are listed at the end of this report.

ANALYSIS - SEPA

Disclosure of the potential impacts from this project was made in the following documents: the Environmental Checklist dated July 26, 2002, the Biological Evaluation dated July 11, 2002, the joint aquatic resource permit application (JARPA) dated March 21, 2002 and a letter revising the JARPA dated July 11, 2002. The information in the SEPA checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have*

been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines and displacement of some fish wildlife species due to increased water turbidity levels and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Air Pollution Control Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The applicant's SEPA Checklist discloses that the proposed construction work will take place in and adjacent to the waters of the Lake Washington Ship Canal. Additionally, construction material will be delivered by barge over-water. With the proposed work taking place in and adjacent to water and the delivery of construction material taking place over-water, there exists the potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) should be employed to decrease the probability of debris or other deleterious material from entering the water during the proposed work. A boom should be deployed around the construction area to contain any debris that enters the water during construction. At a minimum the floating debris that enters the water during construction should be collected once per day. This material should be contained on site and then disposed of at the appropriate upland facility. General in water construction activity, excluding sheet pile driving, will be restricted to October 1st through April 15th. Sheet pile driving and pile driving activity will be restricted to November 15th through February 15th.

Construction material and equipment pose some potential danger of water and near shore contamination and shoreline erosion. The contamination from spills could lead to both water quality and aquatic habitat damage. In order to be prepared to provide a fast and effective response to spills or other actions which cause new contaminants to be introduced into the shoreline environment, it is necessary to condition the project to require that prior to commencing construction an emergency containment plan and procedures be developed and all necessary equipment be stocked on the site. It is also warranted to require the use of BMPs to minimize erosion along the shoreline caused by storage and staging construction material in this area.

Additionally, a sheet pile driving monitoring plan needs to be prepared to monitor the vibrations caused by the sheet pile driving activities. This plan needs to be approved by a DCLU Geotechnical Engineer. This plan will not be required if during ECA and Building permit review the applicant demonstrates to the satisfaction of a DCLU Geotechnical Engineer that no impacts to adjacent property will occur as a result of the sheet pile driving activity.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

Long Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: a continued presence of a bulkhead at this site. These long-term impacts are potentially significant without mitigation; therefore, merit a detailed discussion of the impacts and the required mitigation.

Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Lake Washington including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to take place in the Lake Washington Ship Canal which is part of the migration corridor of chinook salmon from the Cedar River and the other water bodies in Water Resource Inventory Area 8.

Clearly identified long-term impacts on juvenile chinook salmon and the aquatic environment include the continued existence of a bulkhead in the habitat of a threatened species. Bulkheads impact the quality of natural habitat of juvenile chinook salmon by creating an artificial barrier between the terrestrial and aquatic environment. Terrestrial vegetation that is found on more natural shorelines, add allochthonous material to the aquatic environment, which benefit the salmon through the food web. Terrestrial vegetation also directly benefits salmon in the fresh water environment by providing a food source in the form of terrestrial insects that inadvertently drop into the water. Additionally, bulkheads tend to create deeper water habitat caused by erosion and water action at the bulkhead. When juvenile chinook have no shallow water habitat, which provides refuge from predators, during their outmigration they are more susceptible to predation by larger fish; therefore, this decreases their survivability.

As provided by SMC 25.05.350 A, when making a threshold determination the lead agency may consider mitigation measures that the agency or applicant will implement. If the proposed measures mitigate the impacts that would allow the lead agency to issue a Determination of Non-Significance (DNS). These mitigation measures can be in the form of clarification of the proposal, changes to the proposal, or the project may be conditioned to include the mitigation measures. Trident Seafood has included mitigation measures in the project to offset the impacts of the proposed work. DCLU has imposed conditions on this project. These mitigation measures and conditions are listed below.

- Enhancement of a section of shoreline on the northwest portion of the parcel, which included terrestrial native vegetation along the shoreline and a monitoring plan for this vegetation that will ensure 80% survival of the vegetation planted in this area;
- Removal of two (2) floating docks that are each, five (5) by fifty (50) feet in size;
- Removal of concrete rubble and slabs from the shallow water area of the site;
- Maintaining the shallow water and nearshore area clear of debris both during construction and for the life of the project (i.e. during normal business operations).

Each of these mitigation measures and conditions are believed to minimize impacts on juvenile salmon habitat at the site and improve the aquatic habitat for juvenile chinook salmon and other species. Collectively these measures will eliminate the dark areas that exist under the floating docks and eliminate large substrate in the shallow water habitat, which should in turn allow the juvenile salmon to remain in the shallow water during their migration and reduce the juvenile chinooks' vulnerability to predation in the ship canal environment. Additionally, the riparian vegetation planted along the shoreline will increase the allocthonous input of insects and detritus to the ship canal providing food for juvenile salmonids and nutrients for other aquatic organisms.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have significant adverse impacts upon the environment. An EIS is not required under RCW 43.21C.030.(2) (c).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS – SEPA and Shorelines

Non-appealable Condition

Prior to Issuance of Building Permit:

1. ECA Correction Items contained on the December 20, 2002 shall be satisfactorily addressed, along with other ECA and Grading Code items identified during review of the building permit application.

SEPA and Shoreline –Prior to Issuance of Building Permit

1. An Emergency Procedures Plan shall be developed for the prevention, containment and clean-up for toxic materials. This plan shall include the number of personnel that will be trained in these emergency procedures to ensure that these emergency procedures are implemented appropriately.

2. A vegetation monitoring plan shall be written and followed for the shoreline revegetation work. This plan shall ensure eighty (80) percent or greater survival of the vegetation planted and will ensure that nonnative vegetation is eliminated in the riparian area.

3. The owner(s) and/or responsible party(ies) shall notify in writing all contractors and sub-contractors of the general requirements of the Seattle Shoreline Master Program (SSMP 23.60.152), including the requirements set forth in conditions of the MUP.

4. Geotechnical Review is required for issues concerning seismic liquefaction and vibrations from pile installation.

5. A sheet pile driving monitoring plan needs to be prepared to monitor the vibrations caused by the sheet pile driving activities. This plan shall be approved by a DCLU Geotechnical Engineer. This sheet pile driving monitoring plan will not be required if during ECA and Construction permit review the applicant demonstrates to the satisfaction of a DCLU Geotechnical Engineer that no impacts to adjacent property will occur as a result of the sheet pile driving activity.

SEPA and Shoreline – During Construction

The following conditions(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. General in-water construction activity will be restricted to October 1st through April 15th.

2. Sheet pile and pile driving will be restricted to November 15th through February 15th .

3. Remove two (2) floating docks that are each, five (5) by fifty (50) feet in size from the northeast portion of the site;

4. Remove concrete rubble and slabs from the shallow water area of the site;

5. Appropriate best management practices (BMPs) shall be employed to prevent debris and deleterious material from entering the Lake Washington Ship Canal during the proposed in- and adjacent to water. BMPs should include the deployment of a boom surrounding

the construction area. The boom should remain in place for the duration of the proposed work..

a. The boom should serve to collect any floating debris, which may enter the water during the repair activities. This floating debris should be removed from the water daily, stored on-site, and then disposed of in the appropriate upland facility.
b. If heavy (sinking) debris enters the water during the repair work, the location of the debris should be documented in a log to be kept through the duration of the project. When construction is complete a diver should retrieve all debris that has entered the water and sunk during construction.

6. Care shall be taken by the owner(s), builder(s), or responsible party(s) to prevent toxic materials, petrochemicals and other pollutants from entering surface water during the proposed repair work. Spill prevention and response plan and material should be kept at the site for quick response to any toxic spills, such as fuel, at the site.

7. Personnel should be trained in the plans and procedures for the prevention, containment and clean-up of toxic material.

SEPA and Shoreline – For the Life of the Project

1. A six hundred (600) square foot area adjacent to the shoreline will be enhanced. This enhancement will include removal for non-native vegetation and the planting terrestrial native vegetation along the shoreline and a monitoring plan for this vegetation that will ensure 80% survival of the vegetation planted in this area. The non-native vegetation should be removed manually, no chemicals can be used to remove this vegetation.

2. No pesticides, herbicides, or chemical fertilizers shall be used in the riparian area along the shoreline including the six hundred (600) square feet area that is enhanced with native vegetation.

3. Maintain the shallow water and nearshore area clear of debris during the life of the project (i.e. during normal business operations).

4. Personnel should be trained in the plans and procedures for the prevention, containment and clean-up of toxic material.

Signature: (signature on file) Date: April 21, 2003
Margaret M. Glowacki, Fisheries Biologist/Salmon Planner
Department of Design Construction and Land Use
Land Use Division

MMG:smb
Glowacm/DOC/Projects/2205053-Trident/2205053Decision.doc